MONTANA LEGISLATIVE HISTORY

Chapter 79 19 91

Bill H 367 S _____ Original bill & history X C

H. Committee on LOCAL GOV'T

Hearing Date(s) 2/12 X C

Ø EXEC. ACTION _____ ___C

_____ ___C

_____ ___C

Date Out _____ ___C

S. Committee on BUSINESS & INDUSTRY

Hearing Date(s) 3/6 X C

Ø EXEC ACTION _____ ___C

_____ ___C

_____ ___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

1/22	INTRODUCED		
1/22	REFERRED TO HUMAN SERVICES & AGING		
1/23	FIRST READING		
1/28	HEARING		
1/29	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/01	2ND READING PASSED	81	19
2/01	TAKEN FROM ENGROSSING AND RE REFERRED TO APPROPRIATIONS		
3/19	HEARING		
3/22	TABLED IN COMMITTEE		

HB 367 INTRODUCED BY J. BROWN, ET AL.
EXPANSION OF BUSINESS IMPROVEMENT DISTRICTS

1/22	INTRODUCED		
1/22	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
1/23	FIRST READING		
1/24	REREFERRED TO LOCAL GOVERNMENT		
2/12	HEARING		
2/13	COMMITTEE REPORT—BILL PASSED		
2/13	PLACED ON CONSENT CALENDAR		
2/15	3RD READING PASSED	97	0
	TRANSMITTED TO SENATE		
2/16	FIRST READING		
2/16	REFERRED TO BUSINESS & INDUSTRY		
3/06	HEARING		
3/06	COMMITTEE REPORT—BILL CONCURRED		
3/08	2ND READING CONCURRED	49	0
3/09	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
3/14	SIGNED BY SPEAKER		
3/14	SIGNED BY PRESIDENT		
3/14	TRANSMITTED TO GOVERNOR		
3/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 79	EFFECTIVE DATE: 10/01/91	

HB 368 INTRODUCED BY O'KEEFE, ET AL.
ALLOW NONRESIDENT STUDENT TO BUY HUNTING AND FISHING LICENSE AT RESIDENT PRICE

1/22	INTRODUCED		
1/22	REFERRED TO FISH & GAME		
1/23	FIRST READING		
1/23	FISCAL NOTE REQUESTED		
1/28	FISCAL NOTE PRINTED		
1/28	FISCAL NOTE RECEIVED		
1/29	HEARING		
1/29	TABLED IN COMMITTEE		

HB 369 INTRODUCED BY TOOLE, ET AL.
HEALTH EDUCATION SPECIALIST IN FAMILY PLANNING PROGRAM

1/22	INTRODUCED		
1/22	REFERRED TO APPROPRIATIONS		
1/23	FIRST READING		
3/19	HEARING		
3/22	TABLED IN COMMITTEE		

HB 370 INTRODUCED BY KELLER
APPROPRIATION BILLS TO SEPARATELY SHOW INCREASE OR DECREASE FROM PRIOR LEVEL

1/22	INTRODUCED		
1/22	REFERRED TO APPROPRIATIONS		

1/23	FIRST READING		
3/11	HEARING		
3/22	TABLED IN COMMITTEE		

HB 371 INTRODUCED BY MENAHAN, ET AL.
APPROPRIATING MONEY TO FAMILY SERVICES FOR IN-HOME SERVICES

1/23	INTRODUCED		
1/23	REFERRED TO APPROPRIATIONS		
1/23	FIRST READING		
3/19	HEARING		
3/23	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/27	2ND READING PASSED	74	17
3/28	3RD READING PASSED	90	9
	TRANSMITTED TO SENATE		
3/28	FIRST READING		
3/28	REFERRED TO FINANCE & CLAIMS		
4/04	HEARING		
4/11	COMMITTEE REPORT—BILL CONCURRED		
4/13	2ND READING CONCURRED	44	4
4/15	3RD READING CONCURRED	44	4
	RETURNED TO HOUSE		
4/19	SIGNED BY SPEAKER		
4/19	SIGNED BY PRESIDENT		
4/19	TRANSMITTED TO GOVERNOR		
4/23	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 556	EFFECTIVE DATE: 07/01/91	

HB 372 INTRODUCED BY GOULD
REVISE ENTRY INTO FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM
BY REQUEST OF BOARD OF PUBLIC EMPLOYEES' RETIREMENT

1/23	INTRODUCED		
1/23	REFERRED TO STATE ADMINISTRATION		
1/23	FIRST READING		
1/24	FISCAL NOTE REQUESTED		
1/28	FISCAL NOTE PRINTED		
1/28	FISCAL NOTE RECEIVED		
2/05	HEARING		
2/05	COMMITTEE REPORT—BILL PASSED		
2/05	PLACED ON CONSENT CALENDAR		
2/07	3RD READING PASSED	100	0
	TRANSMITTED TO SENATE		
2/08	FIRST READING		
2/08	REFERRED TO STATE ADMINISTRATION		
2/13	HEARING		
2/13	COMMITTEE REPORT—BILL CONCURRED		
2/13	PLACED ON CONSENT CALENDAR		
2/16	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
2/20	SIGNED BY SPEAKER		
2/20	SIGNED BY PRESIDENT		
2/20	TRANSMITTED TO GOVERNOR		
2/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 44	EFFECTIVE DATE: 7/01/91	

HB 373 INTRODUCED BY O'KEEFE, ET AL.
REVISION TO ALLOW EMPLOYEES TO WITHDRAW CONTRIBUTIONS FROM PERS BY REQUEST

HOUSE BILL NO. 367

INTRODUCED BY J. BROWN, J. RICE, S. RICE, PHILLIPS,
GRADY, FRANKLIN, WYATT,
O'KEEFE, HARPER, SIMPKINS, STRIZICH, GALVIN,
DOLEZAL, NISBET, WATERMAN, MESSMORE,
DOHERTY, MAZUREK

IN THE HOUSE

JANUARY 22, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
JANUARY 23, 1991	FIRST READING.
JANUARY 24, 1991	ON MOTION, REREFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
FEBRUARY 13, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
	POSTED ON CONSENT CALENDAR.
FEBRUARY 14, 1991	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
	ENGROSSING REPORT.
FEBRUARY 15, 1991	THIRD READING, PASSED. AYES, 97; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 16, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
	FIRST READING.
MARCH 6, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 8, 1991	SECOND READING, CONCURRED IN.
MARCH 9, 1991	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 11, 1991

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. 367

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE EXPANSION OF BUSINESS IMPROVEMENT DISTRICTS; PROVIDING FOR ASSESSING LAND IN THE EXPANDED AREA OF A DISTRICT; AND AMENDING SECTIONS 7-12-1111, 7-12-1112, 7-12-1114, 7-12-1115, AND 7-12-1133, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-12-1111, MCA, is amended to read:

"**7-12-1111. Establishment** or expansion **of a district.** (1) Upon receipt of a petition signed by the owners of more than 60% of the area of the property proposed in the petition to be included in a district or in the expansion of a district, a governing body shall establish a district or expand a district as provided in this part.

(2) The boundaries of a district must comply with applicable zoning regulations, and the district may not include areas that are zoned primarily as residential areas."

Section 2. Section 7-12-1112, MCA, is amended to read:

"**7-12-1112. Resolution of intention to create** or expand **district -- notice.** (1) Before creating or expanding a district, the governing body shall pass a resolution of intention to do so, designating the boundaries thereof.

(2) Notice of passage of the resolution must be published for 5 days in a daily newspaper or in one issue of a weekly paper published in the municipality or county or, in case no newspaper is published in the municipality or county, then by posting for 5 days in three public places in the municipality or county. A copy of the notice shall be mailed to every owner of real property within the proposed district or within the proposed area of expansion listed on the last completed assessment roll for state, county, and school district taxes, at the owner's last-known address, on the same day the notice is first published or posted.

(3) The notice must describe the general purpose of the district or the general reason for the expansion and designate the time when and the place where the governing body will hear and pass upon all protests that may be made against the creation of ~~such~~ the district or the expansion of the existing district. The notice shall refer to the resolution on file with the governing body or clerk, if any, for the description of the boundaries.

(4) The resolution to expand a district deals only with the question of the expanded area, and the existing district does not have to be reestablished."

Section 3. Section 7-12-1114, MCA, is amended to read:

"**7-12-1114. Hearing on protest -- sufficient protest to**

INTRODUCED BILL
HB 367

bar proceedings. (1) At a regular meeting of the governing body after the expiration of the time within which protest may be made, the governing body shall proceed to hear and pass upon all protests. Its decision shall be final and conclusive.

(2) The governing body may adjourn the hearing from time to time. A protestant shall have the right to withdraw a protest at any time before final action thereon by the council or commission.

(3) No further action shall be taken upon the proposed district or proposed expansion of an existing district for 1 year if a written protest against passage of the proposed ordinance is filed by:

(a) owners of property within the proposed district or area of a proposed expansion having a taxable valuation, when aggregated, representing not less than 50% of the total taxable valuation of property within the district or within the area of a proposed expansion;

(b) not less than 50% of the owners of property within the district or area of a proposed expansion; or

(c) owners of property within the proposed district or area of a proposed expansion having projected assessments, when aggregated, representing not less than 50% of the total projected assessments for property within the district or within the area of a proposed expansion."

Section 4. Section 7-12-1115, MCA, is amended to read:

"**7-12-1115. Resolution creating or expanding district.** When no protests have been delivered to the governing body within 15 days after the date of the first publication of the notice of the passing of the resolution of intention, when a protest shall have been found by the governing body to be insufficient or has been overruled, or when a protest against the extent of the proposed district or proposed expansion of a district has been heard and denied, the governing body has jurisdiction to order the creation or expansion of the district and shall pass a resolution creating or expanding the district in accordance with the resolution of intention."

Section 5. Section 7-12-1133, MCA, is amended to read:

"**7-12-1133. Assessment of costs -- area, lot, taxable valuation, and square footage options.** (1) At the same time the board submits the annual budget and work plan to the governing body as provided in 7-12-1132, the board shall also recommend to the governing body a method of levying an assessment on the property within the district which will best ensure that the assessment on each lot or parcel is equitable in proportion to the benefits to be received.

(2) The governing body shall annually assess the entire cost of the district against the entire district using a method which best ensures that the assessment on each lot or

parcel is equitable in proportion to the benefits to be received. In determining the method of assessment to be used, the governing body shall consider the recommendations of the board. The governing board shall levy the assessment using one of the following methods:

(a) each lot or parcel of land within such district may be assessed for that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys, and public places;

(b) if the governing body determines that the benefits derived by each lot or parcel are substantially equivalent, the cost may be assessed equally to each lot or parcel located within the district without regard to the area of the lot or parcel;

(c) each lot or parcel of land, including the improvements thereon, may be assessed for that part of the whole cost of the district which its taxable valuation bears to the total taxable valuation of the property of the district;

(d) each building may be assessed for that part of the whole cost of the district that the occupied or income-producing area of the building above the first floor bears to the area of the entire district; or

(e) by using any combination of the assessment options provided in subsections (2)(a) through (2)(d).

(3) If a district is expanded, the land within the expanded area must be assessed as provided for in subsection (2) for the duration of the district."

-End-

Closing by Sponsor:
REP. COBB said HB 328 would provide a uniform audit system; and if the committee wanted to add the words "General Fund", they could.

HEARING ON HB 367

Presentation and Opening Statement by Sponsor:

REP. J. BROWN, House District 46, Helena, stated HB 367 provides a means to expand the business improvement districts.

Proponents' Testimony:

Mike Casey, Executive Director, Helena Business Improvement District, provided written testimony. **EXHIBIT 4**

Elinor Luse, Business Improvement District, Great Falls, stated their constituents and businesses in the downtown areas want to expand. HB 367 is a housekeeping bill that would allow business improvement districts to expand and it doesn't cost any money.

James Tutwiler, Montana Chamber of Commerce, went on record in support of HB 367. Business improvement districts can help their environments to promote business which helps the community.

Opponents' Testimony: None

Closing by Sponsor:

REP. J. BROWN asked for favorable consideration on HB 367.

EXECUTIVE ACTION ON 367

Motion/Vote: **REP. SIMPKINS MOVED HB 367 DO PASS AND BE PLACED ON CONSENT CALENDAR.** Motion carried unanimously.

HEARING ON HB 354

Presentation and Opening Statement by Sponsor:

REP. SCHYE, House District 18, Glasgow, stated HB 354 would allow County Commissioners to levy 1 mill for fire control activities. It would change the funding for acquiring the monies needed.

Proponents' Testimony:

Gorden Morris, Montana Association of Counties, said the bill would levy 1 mill against all property in the county. **Mr. Morris** offered amendments accepted by **REP. SCHYE. EXHIBIT 5**

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL DATE 2-12-91

NAME	PRESENT	ABSENT	EXCUSED
Rep. Paula Darko	X		
Rep. Jessica Stickney, Vice-Chair	X		
Rep. Joe Barnett	X		
Rep. Arlene Becker	X		
Rep. Vivian Brooke	X		
Rep. Dave Brown	X		
Rep. Brent Cromley	X		
Rep. Tim Dowell	X		
Rep. Budd Gould	X		
Rep. Stella Jean Hansen	X		
Rep. Harriet Hayne	X		
Rep. Ed McCaffree	X		
Rep. Tom Nelson	X		
Rep. Jim Rice	X		
Rep. Sheila Rice	X		
Rep. Richard Simpkins	X		
Rep. Norm Wallin	X		
Rep. Diana Wyatt, Chair	X		

CS05LOCGOV.MAN

5:20
2-12-91
7 D B

HOUSE STANDING COMMITTEE REPORT

February 12, 1991

Mr. Speaker: We, the committee on Local Government report that House Bill 367 (first reading copy -- white) do pass and be placed on consent calendar .

Signed: Diana Wyatt
Diana Wyatt, Chairman

EXHIBIT 4
DATE 2-12-91
HB 367

Business Improvement District Expansion
HB # 367

Efforts to rebuild America's Downtown's have taken many forms over the years. A popular means of managing downtown in today's marketplace is through the creation of Business Improvement Districts. These districts are public - private entities administered by a mayoral appointed board of main street property and business owners.

BID's are a management tool for the continuing rehabilitation of America's Downtown's. First developed in California as a means to finance downtown management entities, BID's were modeled after variations on tax increment and special assessment financing formulas. Montana can be proud that while not the first, it was one of the early states to pass BID legislation.

Today, Helena and Great Falls BID's are making real progress in keeping their downtown's healthy.

- Vacancy rates are coming down.
- Beautification projects are underway.
- Retail operations report steady or improving receipts.
- Special events and people orientated promotions are opening the eyes of both consumers and business to the potential and possibilities downtown.

Since 1985 a few modifications to the original bill have been needed. Last session you acted favorably to expand the method of assessing each property in order to provide a greater degree of fairness to the owners.

Today, property owners who are on the outskirts of the districts are asking if they can get involved in the positive changes taking place; Can I apply for the store front grant monies or will I get new street lights or sidewalks too? Do you know someone who will to rent my space? Where can I get help dealing with City Hall?

It is reasonable to suggest that if the majority want to join an existing Business Improvement District they should be able to join. Under similar terms and conditions as the prior and existing members, those joining could add to the districts strength and effectiveness.

The local governing body retains its ability to review these districts and provide ample opportunity to address local concerns. This is a modest housekeeping type of bill that provides for the flexibility and responsiveness important to downtown vitality in our state.

Thank you for supporting House Bill 367.

DOWNTOWN HELENA BUSINESS IMPROVEMENT DISTRICT
121 N. Last Chance Gulch P.O. Box 591 Helena, MT 59624 (406) 442-9869

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Local Govn. COMMITTEE BILL NO. 367

DATE 2-12-91 SPONSOR(S) J. Brown.

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Elinor Swan	Bus. Improvement Dist Great Falls	✓	
Gordon Petersen	BID - Great Falls	✓	
Mike Casey	Helena Downtown BID	✓	
James Tutwiler	MT Chamber Commerce	✓	
Ken McKenna	Helena City Comm	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

The motion that HB 529 be concurred in passed unanimously.

HEARING ON HOUSE BILL 367

Presentation and Opening Statement by Sponsor:

Representative Jan Brown, sponsor of the bill, stated that HB 367 is a bill that provides for expansion of the business improvement district. Helena and Great Falls have business improvement districts, and they were authorized through legislation that was passed back in 1985. Things are sometimes omitted when legislation is originally passed. It was based on setting up special improvement districts. Helena found at this time that they wanted to expand the business improvement district, and the law does not provide for doing this. The city attorney said in order to expand the district, Helena would have to go through the process of setting up the business improvement district. This would mean contacting all of the property owners in the districts and going through the whole routine. This would take a considerable amount of time. That is the reason for the submission of this bill. It was requested by the Helena business improvement district manager. It provides to expand the district, you would go through the same procedures when you set up a business improvement district, only it would just be in the new part of the district.

Proponents' Testimony:

None

Opponents' Testimony:

None

Questions From Committee Members:

Senator Thayer asked what kind of process would there be to allow the people to expand the district.

Representative Brown stated that the city commission would have to pass the resolution of intent. They would have to publish it in the newspaper, and send copies of the notice to all of the property owners within the proposed area of expansion.

Closing by Sponsor:

Representative Brown closed by asking that Senator Franklin carry the bill.

EXECUTIVE ACTION ON HOUSE BILL 367

Motion:

Senator Noble made a motion that HB 367 be concurred in.

Discussion:

None

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

The motion made that HB 367 be concurred in passed unanimously. Senator Franklin will carry the bill.

ADJOURNMENT

Adjournment At: 10:35 a.m.

J.D. LYNCH, Chairman

DARA ANDERSON, Secretary

JDL/dia

ROLL CALL

BUSINESS AND INDUSTRY COMMITTEE

DATE 3/6/91

52ND LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BRUSKI	X		
SENATOR FRANKLIN	X		
SENATOR GAGE	X		
SENATOR HAGER	X		
SENATOR NOBLE	X		
SENATOR THAYER	X		
SENATOR WILLIAMS	X		
SENATOR KENNEDY	X		
SENATOR LYNCH	X		

Each day attach to minutes.

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/6/91 Bill No. HB 367 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS	X	
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER	X	
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON
Secretary

J.D. LYNCH
Chairman

Motion: BE CONCURRED IN

SENATE STANDING COMMITTEE REPORT

March 6, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 367 (third reading copy -- blue), respectfully report that House Bill No. 367 be concurred in.

Signed: J.D. Lynch
John "J.D." Lynch, Chairman

SB 3/6/91
Amd. Coord.

SB 3-6 11:57
Sec. of Senate